

## **REMARKS / DISCUSSION OF ISSUES**

Claims 1-12 are pending in the application. No amendments are made to the claims in the present Response. Claim 1 is the independent claim.

### **Rejections under 35 U.S.C. § 102**

Claims 1 and 4-12 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by *Koike, et al.* (U.S. Patent 6,345,903). For at least the reasons set forth below, Applicants respectfully submit that all claims are patentable over the applied art.

Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference.<sup>1</sup> Alternatively, anticipation requires that each and every element of the claimed invention be embodied in a single prior art device or practice.<sup>2</sup> For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention.<sup>3</sup>

#### **1. Claim 1**

Claim 1 recites:

*A luminous body comprising:*

*a housing with a light emission surface and a plurality of light sources arranged in the housing, wherein the housing comprises: at least a first optical medium with a first optical scattering power, into which medium the light of the light sources is coupled; and a plurality of second optical medium elements with a second optical scattering power disposed in the housing, wherein each of the second optical medium elements comprises a plurality of particles, and each of the second medium elements is disposed over a respective one of the light sources.*

---

<sup>1</sup> See, e.g., *In re Paulsen*, 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990).

<sup>2</sup> See, e.g., *Minnesota Min. & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559 (Fed. Cir. 1992).

<sup>3</sup> See, e.g., *Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565 (Fed. Cir. 1991).

In one embodiment described in the specification, a second optical medium element is disposed over a respective one of the light sources. Moreover, each of the second optical medium elements comprises a plurality of particles, for example as described in the filed application beginning at page 5, line 33:

“The light-scattering properties of the second optical media 5 may be achieved, for example, in that they comprise a dispersion of scattering particles, such as, for example, hollow globules with a refractive index different from that of the remaining material of the material 5.”

Thus, each second optical medium element comprises a plurality of particles, and each optical medium element 5 is disposed over a respective light source. Applicants respectfully submit that the applied art fails to disclose at least this feature of claim 1.

In rejecting claim 1, the Office Action directs Applicants to the second resin encapsulator 27 in *Koike, et al.* for the alleged disclosure of the first optical medium, and to the first resin encapsulator 25 for the alleged second optical medium elements. Applicants respectfully submit that the rejection is improper at least because the first resin encapsulator 25 is not disclosed as comprising *a plurality of particles*. Rather **the first resin encapsulator 25 comprises a wavelength converting material, but there is no disclosure of its comprising a plurality of particles.** To wit, as disclosed at column 5, lines 39- 48, *Koike, et al.* discloses:

*“...a first resin encapsulator 25 for sealing the light emitting diode element 15 is charged into the reflection frame 21. A wavelength-converting material excited by blue luminescence or luminescent light to thereby generate visible light having a long wavelength is mixed into the first resin encapsulator 25. For example, it is capable of transforming the blue luminescence into white and emitting its light. As the wavelength-converting material, may be used a luminescent material comprised of a fluorescent dye, a fluorescent pigment or the like. As the fluorescent dye, may be used, for example, an organic phosphor such as fluorescein, rhodamine or the like. Also as the fluorescent pigment, may be used an inorganic phosphor such as calcium tungstate or the like.”*

Applicants respectfully submit that there is no disclosure of the first resin encapsulator 25 comprising a plurality of particles, nor has the Office Action directed Applicants to any description in the applied art of such a feature. (Kindly refer to column 5, line 39 through column 6, line 32 of *Koike, et al.*).

For at least the reasons set forth above, Applicants respectfully submit that a prima facie case of anticipation cannot be established and claim 1 is, therefore, patentable over *Kokei, et al.*

## 2. General Comments on Rejections of Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicant believes that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. Applicant does not, however, necessarily concur with the interpretation of any dependent claim as set forth in the Office Action, nor do Applicant concurs that the basis for the rejection of any dependent claim is proper. Therefore, Applicant reserves the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

## **Rejections under 35 U.S.C. § 103**

The rejection of claims 2 and 3 in view of *Kokei, et al.* and *Kawano, et al.* has been considered. While Applicants in no way concede the propriety of these rejections, claims 2 and 3 are believed to be patentable over the applied art, because claims 2-12, depend from claim 1 immediately or ultimately, they are patentable for at least the same reasons and in view of their additionally recited subject matter.

**Conclusion**

In view the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance.

If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted on behalf of:  
Phillips Electronics North America Corp.

/William S. Francos/

by: William S. Francos (Reg. No. 38,456)

Date: December 23, 2009

Volentine & Whitt, PLLC  
Two Meridian Blvd.  
Wyomissing, PA 19610  
(610) 375-3513 (v)  
(610) 375-3277 (f)